

COASTAL CONSERVANCY

Staff Recommendation
May 26, 2016

PELICAN BLUFFS AND NEWPORT COASTAL TRAIL CONSTRUCTION

Project No. 16-018-01
Project Manager: Peter Jarausch

RECOMMENDED ACTION: Authorization to disburse up to five hundred seventy thousand dollars (\$570,000) to the Mendocino Land Trust for the construction of 2.2 miles of new trail at Pelican Bluffs and a new coastal accessway at Newport, in Mendocino County.

LOCATION: Near the Cities of Point Arena and Fort Bragg, Unincorporated Mendocino County

PROGRAM CATEGORY: Public Access

EXHIBITS

- Exhibit 1: [Project Location](#)
 - Exhibit 2: [Photographs](#)
 - Exhibit 3: [Project Letters](#)
 - Exhibit 4: [Mitigated Negative Declaration](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31410 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to five hundred seventy thousand dollars (\$570,000) to the Mendocino Land Trust (MLT) for the construction of 2.2 miles of new trail at Pelican Bluffs and a new coastal accessway at Newport in Mendocino County subject to the following conditions:

1) Prior to the disbursement of any funds for either the Newport component or the Pelican Bluffs component of the project, MLT shall submit for the review and approval of the Executive Officer, for that component:

- a. A work plan, schedule, budget, and the names of any contractors and subcontractors to be retained for implementation of that project component.
- b. Evidence that all necessary permits and approvals have been obtained.
- c. A plan for the installation of a sign acknowledging Conservancy funding.

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- 2) MLT shall ensure the project is consistent with the Conservancy's "Standards and Recommendations for Accessway Location and Development" and with all applicable federal and state statutes, regulations, and guidelines governing access for persons with disabilities; and
- 3) With respect to work funded by the Conservancy and constituting an improvement or development, an agreement or agreements to protect public interest shall be entered into and recorded in Mendocino County, consistent with Public Resources Code Section 31116(c); and
- 4) MLT shall install coastal trail emblems provided by the Conservancy at locations to be determined in consultation with the Conservancy."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding a system of public accessways.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Mendocino Land Trust is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."
4. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration for CDP 2014-0042 adopted by the County of Mendocino on November 18, 2015 (regarding the Pelican Bluffs component of the proposed project) and the Mitigated Negative Declaration for CDP 2014-0039, adopted by the County of Mendocino February 8, 2016 (for the Newport component of the proposed project), each attached to the accompanying staff recommendation as Exhibit 4, prepared pursuant to the California Environmental Quality Act, and finds that the proposed project as mitigated avoids, reduces or mitigates the possible significant environmental effects, and that there is no substantial evidence that the project will have a significant effect on the environment.

PROJECT SUMMARY:

Staff recommends the Conservancy authorize disbursement of up to five hundred seventy thousand dollars (\$570,000) to the Mendocino Land Trust (MLT) for the construction of 1.5 miles of new coastal trail at Pelican Bluffs, south of the City of Point Arena, and construction of a new coastal accessway at Newport, 5 miles south of the community of Westport in Mendocino County (see Exhibit 1). At both locations MLT will construct new trail sections that will become part of the California Coastal Trail, create small parking areas, and open up to the public previously inaccessible sections of the Mendocino Coastline. The Newport location will also include construction of a small viewing platform.

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Pelican Bluffs

At Pelican Bluffs, MLT will construct 2.2 miles of new trail, which will be located on its 75-acre Pelican Bluffs property and on two adjoining private properties over which there is a public access easement created by acceptance of offers to dedicate that were required by coastal development permits (“OTD easements”). The OTD easements are held by the Moat Creek Managing Agency. The trail will start in the southwest corner of the Pelican Bluffs property at a small parking lot that will be constructed as part of the project. From there visitors can walk in either direction as the trail will form a loop around the property highlighting the natural features and stunning ocean views. Out at the bluff, the trail will continue south along the two contiguous bluff top OTD easements across neighboring parcels. In order to protect private property and keep the public on the trail, fencing and no trespassing signs will be installed on the eastern edge of the OTD easements.

The trail location was carefully selected to minimize impacts to biological or cultural resources and to take into account the potential for future bluff erosion. At the same time it provides an appealing route that is designed to motivate hikers to stay on the trail, thereby reducing the potential for informal trails through the surrounding natural resources. One small bridge and two sections of boardwalk will be constructed to minimize wetland impacts. There is no feasible route from the trail down to the beach and therefore visitors will not be able to gain direct access to the water. Instead, visitors can expect sweeping views of the ocean from high above the beach. Small warning signs will be placed along the trail to remind visitors to stay back from the bluff edge.

Newport

At Newport, the project will provide a new coastal accessway connecting to the existing 1.3 mile long Newport Coastal Trail, which parallels Highway 1. The new coastal accessway is a 1,200 spur trail that will take visitors westward from the Newport Coastal Trail at Highway 1 to a new observation platform near the bluff edge. The approximately 256 square foot observation platform will have a maximum height of 5’8” in order not to impact views from drivers on Highway 1. The project includes an approximately 1,000 foot extension of the Newport Coastal trail and a new 4 car parking lot for users of the Newport Coastal Trail. The trail extension, parking lot, accessway and viewing platform are within an OTD easement held by the Mendocino Land Trust. The extension of the Newport Coastal Trail and the coastal accessway (spur trail) will become part of the California Coastal Trail.

The proposed project implements the statewide goals of opening up OTD easements for public use and the creation of new sections of the California Coastal Trail. The Conservancy also funded the acquisition of Pelican Bluffs and provided funding to support trail design and permitting.

The Mendocino Land Trust is well qualified to undertake this project, and has a long history of successfully completing public access and land conservation projects throughout Mendocino County. It has opened more than a dozen OTD easements on the Mendocino coast, and, most recently, in collaboration with Save the Redwoods League, completed the construction of the Usal-Shady Dell Coastal Trail in northern Mendocino County.

Site Description:

The 73-acre Pelican Bluffs property is located approximately one mile south of the City of Point Arena, on the west side of Highway 1. The project area includes both the Pelican Bluffs property (formally known as the CIES property, and acquired in 2013 by MLT with Conservancy assistance) and two adjacent public access OTD easements. The two public access easements are located on the western edge of two developed residential parcels immediately south of Pelican Bluffs, and provide for a footpath along the bluffs. The area consists of two marine terraces the lower of which ends in a steep bluff overlooking the Pacific Ocean. The property is dominated by European grasses and native chaparral that has been impacted by grazing due to cattle straying onto the property from neighboring properties, and native bunch grasses can be found in the northwest corner of the property. A new fence was constructed by the neighbor and the cattle no longer graze on the Pelican Bluffs Property.

The Newport component of the project is on a 147-acre property located approximately five miles south of the community of Westport, on the west side of Highway 1. The site consists of gently sloping coastal prairie and is currently used for cattle grazing. The OTD easement runs on the eastern and northern edges of the property. The existing Newport Coastal Trail runs south in the OTD easement from the proposed parking lot. The Newport Coastal Trail will be extended north from the parking lot approximately 1,000 feet and then turn west near the northern boundary of the property and lead out to the observation platform. The northern boundary of the property includes an ephemeral stream that drains into the Pacific Ocean. There is no beach access from the easement as the property is on a marine terrace with a steep bluff edge.

Exhibit 2 provides photographs of the two project areas, and the expansive coastal views that will be provided to visitors at these new coastal accessways.

Project History: The proposed new segments of California Coastal Trail are the result of prior Conservancy actions and the focused work of the Moat Creek Management Agency (a nonprofit organization based in Point Arena) and MLT. In 2007 with support from the Conservancy, the Moat Creek Managing Agency undertook the Moat Creek to Arena Cove Coastal Trail Feasibility Study to evaluate physical constraints to developing a trail, and to assess which private landowners might be willing to allow the trail on their property. Through the development of that study, the opportunity to acquire the Pelican Bluffs property (formerly known as the CIES property) was identified, and in 2013, the Conservancy awarded a grant to MLT to acquire the property to protect the site and provide public access to the coast. Acquisition of the property also provided a connection from Highway 1 to the two inaccessible bluff top easement OTDs held by Moat Creek Managing Agency.

The Mendocino Land Trust has been actively working to provide the public improved access to the Mendocino County coast since the 1990s. In 2006, MLT was awarded funds to plan strategically for future California Coastal Trail segments along the Mendocino Coast, resulting in a list of priority projects that MLT has been implementing. In 2010, MLT received a grant from the Conservancy which, among other projects, funded construction of the initial segment of trail at Newport. That grant also supported the construction of six coastal access points, and planning/design work for four coastal access points. The current project is the final step in fully opening the trail and viewpoint at Newport.

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PROJECT FINANCING

| | |
|----------------------------|------------------|
| Coastal Conservancy | \$570,000 |
| Others | \$30,000 |
| Project Total | \$600,000 |

The anticipated source for the Conservancy funds is a FY 2013-2014 appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, Public Resources Code Section 75001 et seq. (Proposition 84). Proposition 84 authorizes the Conservancy's use of these funds to promote access to and enjoyment of coastal resources through projects undertaken pursuant to the Conservancy's enabling legislation (Division 21 of the Public Resources Code). The proposed project will promote access to and enjoyment of the Mendocino County coast by development of new sections of the California Coastal Trail along with two small parking lots and an observation platform overlooking the ocean. The project is consistent with Division 21 of the Public Resources Code, as described below. Accordingly, the proposed project is an appropriate use of Proposition 84 funds.

MLT has raised \$30,000 from private donations and a grant from the County of Mendocino for this project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 et seq.) relating to the provision of public access to the coast. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state's coastline.

In particular, the proposed authorization is consistent with Public Resources Code Section 31400.1, which authorizes the Conservancy to provide grants to nonprofit organizations to develop lands for public access purposes to and along the coast; and 31400.3, which authorizes the Conservancy to provide such assistance as is required to aid nonprofit organizations in establishing a system of public accessways and related functions. The proposed authorization will enable MLT, a nonprofit organization, to develop additional segments of the California Coastal Trail and to provide trail amenities in the form of parking and an observation platform. Consistent with Section 31400.2, the amount of funding provided by the Conservancy for this project is based upon the amount of funding available for coastal public accessway projects, the fiscal resources of MLT, the urgency of this project and the Conservancy's Project Selection Criteria and Guidelines, as described below.

In addition, the proposed authorization is consistent with Section 31402.3, which directs the Conservancy to open at least three public accessways each year, either directly or by awarding grants to public agencies or nonprofit organizations. This grant will enable MLT to open three OTD easements to the public.

The proposed project is consistent with the Mendocino County Local Coastal Program as described in the Consistency with Local Coastal Program Policies below.

CONSISTENCY WITH CONSERVANCY'S ACCESS PROGRAM STANDARDS:

Standard No. 1, Protect Public and Coastal Resources: Through careful trail design and planning the project minimizes the alteration of natural landforms, protects the public, and protects environmentally sensitive habitats.

Standard No. 3, Access Easements: Construction and Location: Trail width and locations were selected to minimize their width.

Standard No. 4, Privacy: Fencing and no trespassing signs will be used at Pelican Bluffs and Newport to protect privacy of nearby residents. Visitors will only be allowed during daylight hours.

Standard No. 5, Environmentally Sensitive Areas: The trails avoid environmentally sensitive areas to the extent feasible.

Standard No. 9, Scenic Overlooks: The project includes an observation platform at Newport that will be accessible by trail and will provide scenic ocean views.

Standard No. 13, Barrier-Free Access: A barrier-free loop trail will be constructed at Pelican Bluffs, which will improve access for all visitors.

**CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN
GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:**

Consistent with **Goal 1, Objective D** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will construct new segments of the California Coastal Trail totaling 2 miles.

Consistent with **Goal 1, Objective B** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will sign 2 miles of the California Coastal Trail.

Consistent with **Goal 2, Objective A** of the Conservancy's 2013-2018 Strategic Plan, the proposed project expands opportunities for barrier-free access to coastal trails, by providing a barrier-free loop trail at Pelican Bluffs.

Consistent with **Goal 2, Objective B** of the Conservancy's 2013-2018 Strategic Plan, the proposed project opens 2 coastal areas that are currently inaccessible to public use.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.

3. **Promotion and implementation of state plans and policies:**

Coastal Act (1976), **Public Resources Code Section 30210** on public access and recreation calls for “maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse,” and **Section 30214** calls for public access and recreation “takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case...”

Completing the California Coastal Trail 2003. The project constructs new sections of California Coastal Trail.

4. **Support of the public:** See Exhibit 2: Project Letters
5. **Location:** The proposed project is located within the coastal zone of Mendocino County.
6. **Need:** Local match funds will be secured, but without funding from the Conservancy the project will not take place.
7. **Greater-than-local interest:** The project constructs sections of the California Coastal Trail, a statewide goal.
8. **Sea level rise vulnerability:** The proposed project consists of construction on bluff top properties that are over 50 feet in elevation and therefore the proposed project is not vulnerable to sea level rise.

Additional Criteria

9. **Leverage:** See the “Project Financing” section above.
10. **Readiness:** MLT has a coastal development permit (CDP) for the Newport component of the project and is in the process of obtaining a CDP for the Pelican Bluffs component (a CDP approved by Mendocino County has been appealed to the California Coastal Commission), and is otherwise ready to construct the project. MLT has a proven track record of successfully completing coastal trail planning and construction projects.
11. **Realization of prior Conservancy goals:** “See “Project History”
12. **Cooperation:** MLT and the Moat Creek Managing Agency (MCMA) are partners in opening the Pelican Bluffs property to the public. MLT will handle the trail construction and MCMA, which is based in Point Arena, will assist with long term stewardship and maintenance of the property.
13. **Vulnerability from climate change impacts other than sea level rise:** The proposed trails at Newport and Pelican Bluffs, and the observation platform at Newport, are set back from the bluff edge so as to minimize their vulnerability to increased rates of erosion. The OTD easements south of Pelican Bluffs are floating easements that can retreat with the movement of the bluff.
14. **Minimization of greenhouse gas emissions:** During the construction period trail crews will stay overnight on the property or nearby, thereby reducing transportation emissions.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The project is consistent with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the Mendocino County General Plan. Access is regulated under Mendocino County Code Section 20.528, which provides minimum access standards and policies related to management of public access trails. The Pelican Bluffs project site is designated as a potential public access trail location on the Local Coastal Program maps (# 25 and 28).

The trail development at Pelican Bluffs and Newport were reviewed by the County of Mendocino and found to be consistent with the Coastal Element of the Mendocino County General Plan. Newport: Coastal Development Permit (CDP) 2014-0039, Pelican Bluffs: 2014-0042

COMPLIANCE WITH CEQA:

As the lead agency under the California Environmental Quality Act, the County of Mendocino prepared separate mitigated negative declarations for the two components of the proposed project as part of the coastal development permit (CDP) process for each component: Mitigated Negative Declaration for CDP 2014-0042 adopted by the County of Mendocino on November 18, 2015 (Pelican Bluffs MND) and Mitigated Negative Declaration for CDP 2014-0039, adopted by the County of Mendocino February 8, 2016 (Newport MND) (collectively MNDs).

The MNDs identified effects that were less than significant with mitigation in the categories of Biological Resources (both MNDs), Cultural Resources (both MNDs), Hydrology (Newport MND), Land Use and Planning (Newport MND), Recreation (Pelican Bluffs MND), Transportation (Newport MND) and Noise (Newport MND). All other areas were considered to have either no impacts or less than significant impacts.

Biological Resources: Studies were completed that map the locations of sensitive biological resources at both project sites. Impacts to these sensitive biological resources and their habitats will be either avoided or mitigated to the extent that there will be no significant effect on these resources.

At Pelican Bluffs, the trail is located a minimum of 50 feet from all sensitive plants except for bishop pine and arroyo and sitka willow thicket. The potential impacts to these plants are mitigated through a trail design that will discourage trail users from leaving the trail. The trail goes through potential habitat of sensitive plant, including the Supple daisy (*Erigeron supplex*) (the plants are currently located well over 100 feet from the trail), and this impact will be mitigated by a trail design that discourages users from going off of the trail. The trail will cross through the arroyo and sitka willow thicket and across a drainage with minimal impact. Impacts to the willow thicket will be isolated to the pier blocks placed at 6 foot intervals, and the concrete footing at each end of the elevated walkway. This impact will be mitigated through restoration of 60 square feet of wetlands at the project site. Restoration will consist of the removal of invasive plants in the area immediately adjacent to the boardwalk and monitoring over a 5 year period.

At Newport, trail construction has the potential to impact *Narella pulchra* (purple needlegrass), although at this time the trail alignment would not do so. This impact will be mitigated by replanting at a rate of 2:1 in the vicinity if any plants are affected.

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Cultural Resources: Cultural resource studies were completed for both sites. At Pelican Bluffs one section of trail will traverse an archeological site identified in the Archeological Survey Report. This potential impact will be mitigated by capping the area to prevent damage to the site. Capping will include at least eight inches of clean soil or gravel, at least 5 feet wide, with two and a half feet on either side of the trail centerline. At Newport there is a known archeological resource that is not being directly impacted by the trail. Permanent fencing will be placed around the archaeological site to avoid future disturbance. If any other cultural resources are found at Pelican Bluffs or Newport, construction activities within 100 feet will cease, and the discovery will be reported to the Mendocino County Director of Planning and Building services who will coordinate further actions for the protection of those resources.

Noise: Some noise will be generated by construction. Hours of construction will be limited to Monday through Friday 7:00am to 7:00pm, and weekends 9:00am to 6:00pm to minimize impacts to neighboring properties.

Recreation: The Pelican Bluffs MND indicates that the project includes recreational facilities that may have an adverse physical effect on the environment. The potential impacts are primarily to biological and cultural resource and are therefore addressed in the mitigation measures for those resources discussed above.

Hydrology: The Newport MND identifies mitigation measures necessary to protect water quality from construction impacts. These include limiting construction to the non-rainy season (April 15 – October 15), mulching disturbed areas and use of best management practices to protect water quality.

Land Use Planning: The Newport MND indicates that the proposed project is subject to permit requirements and a requirement for an accessway management plan. To address these requirements, MLT will obtain a CDP and prepare an Accessway Management Plan in accordance with the requirements of the Mendocino County LCP.

Transportation: The Newport component of the project includes a small parking lot off of Highway One. The MND indicates that the parking lot will not substantially increase transportation hazards due to design features, but that an encroachment permit is required from Caltrans. Accordingly, MLT is required to obtain an encroachment permit from Caltrans.

Staff has independently reviewed the MNDs and concurs that there is no substantial evidence that the project as mitigated will have significant effect on the environment. Staff therefore recommends that the Conservancy find that the project does not have the potential for an adverse effect on the environment as defined in 14 Cal. Code of Regulations, Section 15382. Staff will file a Notice of Determination upon approval of the project.